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**MEMORANDUM**

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**DATE:** JANUARY 28, 2010  
**TO:** DANA REED, TOWN MANAGER  
**CC:** PLANNING BOARD MEMBERS  
TOWN ATTORNEY  
**FROM:** ANNE KRIEG, PLANNING DIRECTOR  
**RE:** **REQUEST OF COUNCILOR PARADIS TO CHANGE THE ZONING TO  
COMMERCIAL SHORELAND FROM THE COLLEGE OF THE ATLANTIC  
TO SONOGEE REHABILITATION AND LIVING CENTER**

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Please accept this memorandum and the attached document and map as the materials for the above-noted agenda item for the February 2, 2010 Town Council meeting.

The assignment is to ensure that the property and its environs allows for a ferry terminal. The properties along the subject area are zoned Bar Harbor Corridor with a Shoreland Residential overlay (measured 250' from the tide line). The Bar Harbor Corridor district allows commercial uses, including ferry terminals. The Shoreland Residential zone, however, as the term implies, does not allow commercial uses and is one of the strictest zones in the town.

In an overlay zone, there can be a disparity between the dimensional controls and the allowed uses, if the area is of significance (for example a watershed overlay or a commercial growth overlay) whereby the Town chooses to either impose or free up regulations for a stated purpose. The shoreland district, in contrast, is regulating activities and uses along the waterfront as a state mandate. The state does allow for commercial shorefront development if a town chooses. Additionally, the town can choose to construct a more harmonious relationship between the upland zone and the shorefront zone.

Attached is a new shoreland commercial district, entitled Shoreland Commercial III. The uses seek to connect with the upland uses. The dimensional controls are more stringent but have a relationship to the upland zone.

Please note this document is subject to review by the Town Attorney and I will send it to the Shoreland Zoning Specialist at Maine DEP. Maine DEP reviews and approves all ordinances in the shoreland zone. Please note the Council, in order to keep this on for the June 2010 Town Meeting needs to take action on this Order at their February 9, 2010 meeting if not on the 2<sup>nd</sup> of February.

I can be present at the Council meeting to answer any questions.

amk